



Docket No. 9326.001.00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
David L. HUIE

Application No.: 09/852,732

Filed: May 11, 2001

For: METHOD FOR DETECTING AND
PREVENTING CALL FORWARDING
EVENTS

Customer No. 30827

Confirmation No. 4996

Art Unit: 2614

Examiner: Thjuan P. KNOWLIN

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL CONFERENCE; ENTRY OF PRE-APPEAL BRIEF;
AND WAIVER OF THE NOTICE OF APPEAL FEE

Sir:

Applicant hereby submits a second Notice of Appeal and requests that the enclosed Pre-Appeal Brief Request for Review be considered. On July 5, 2006, Applicant had filed a response to the outstanding Office Action dated February 24, 2006. On August 24, 2006, Applicant filed a Notice of Appeal in order to maintain pendency of the Application. An Advisory Action was not issued until September 1, 2006, after the last possible day to respond to the Office Action. Due to the timing of the Advisory Action, Applicant was not able to file a Pre-Appeal Brief Request for Review along with the Notice of Appeal.

Accordingly, Applicant respectfully submits a second Notice of Appeal along with a Pre-Appeal Brief Request for Review. Applicant understands that no fee is required for this second Notice of Appeal.

Respectfully submitted,

By 
Rebecca Goldman Rudich
Registration No. 41,786

Dated: December 22, 2006

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

The Applicant requests a review of the final Office Action dated February 24, 2006 and the Advisory Action dated September 1, 2006 for the reasons discussed below.

In the Office Action, the Examiner rejected claims 1–21, 24–26, and 28–35 under 35 U.S.C. § 102(e) as being anticipated by Jones et al. (U.S. Patent No. 6,195,422). Claim 1 is an independent claim with claims 2–5 depending therefrom; claim 6 is an independent claim with claims 5, 7, and 32–35 depending therefrom; claim 8 is an independent claim with claims 9–13 depending therefrom; claim 14 is an independent claim with claims 15–19 depending therefrom; claim 20 is an independent claim with claim 21 depending therefrom; and claim 24 is an independent claims 25, 26, and 28–30 depending therefrom.

Independent claims 1, 6, and 20 recite “a redirection counter set to a maximum allowed value at an origination switch.” Claim 8 recites “a first initial address message having a

redirection counter set to a maximum allowed value.” Claim 14 recites “a first initial address message having a redirection counter set to a maximum value.” Claim 24 recites “redirection counter set to a maximum allowed value at the originating station.” Applicant respectfully submits that Jones et al. does not teach or suggest these features of the claimed invention.

The Examiner cites FIG. 3, reference 12, and column 11–12, lines 56–6 of Jones et al. as teaching the above features of claims 1, 6, 8, 14, 20, and 24. (Paper No. 20060215, page 2; and Paper No. 20060830, page 2). Applicant respectfully disagrees.

The specification of the present application states “if the dialed number has been call forwarded to another number, the dialed number switch will increment by one the value in the Redirection Counter, a field in the Redirection Element which is a section of the Initial Address Message.” (specification, page 5, line 25 to page 6, line 2). The specification further states the “Switch 21 will increment the value in the Redirection Counter parameter (field code hex 13) by one to count the call forwarding event.” (page 13, lines 19–20). As such, the redirection counter of the claimed invention is a counter that is incremented with each call forwarding event.

In contrast, Jones et al. teaches a “redirection number field” that stores a phone number. FIG. 3 illustrates a “Local Exchange Carrier (LEC) network” having an “End Office 12.” The passage of the specification cited by the Examiner teaches “an Initial Address Message (IAM),” wherein “[t]he IAM message contains the routing number for the restricted toll call service in the destination number field, and contains the caller’s normal telephone number or billing number in the calling party number field. ... the end office 12 places the actual dialed digits from the GAP field of the response message in an appropriate field of the IAM message. This number may go in the ‘redirection number’ field.” This teaching, cited by the Examiner, makes no mention of a redirection counter set to a maximum allowed value. Further, nowhere in Jones et al. is there any mention of a redirection counter set to a maximum allowed value. The “redirection number

field” taught in the cited passage of Jones et al. is assigned a phone number. It is not a counter that counts the number of call redirections, nor does it get assigned a maximum value.

The Examiner states that “Applicant states several times that the limitation of, ‘sending an initial address message having a redirection counter set to a maximum allowed value at an origination switch,’ is not taught or suggested by Jones. Applicant does not clearly or specifically argue this limitation, or state why she believes that this limitation is not taught or suggested by Jones.” (Paper No. 20060215, pages 4–5). Applicant respectfully disagrees and asserts that the Applicant made it known to the Examiner that Jones et al. did not teach the above feature of independent claims 1, 6, 8, 14, 20, and 24. The Applicant included a discussion of the teaching of Jones et al. and the distinctions of the claimed invention. (See page 11 of Applicants response to Office Action dated May 6, 2005 (Paper No. 20050419)). Accordingly, Applicant respectfully submits that independent claims 1, and its dependent claims 2–5, claim 6, and its dependent claims 5, 7, and 32–35, claim 8, and its dependent claims 9–13, claim 14, and its dependent claims 15–19, claim 20, and its dependent claim 21, and claim 24, and its dependent claims 25, 26, and 28–30, are allowable over Jones et al.

In light of the remarks noted above, the Applicants submit that the pending claims are patentable over the prior art cited in the February 24, 2006 final Office Action. Accordingly, the Applicants respectfully request that the PTO issue a Notice of Allowance or a new Office Action.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

By 
Rebecca Goldman Rudich
Registration No. 41,786

Dated: December 22, 2006

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